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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/571,509	03/10/2006	Jan Swerup	9563-18	7828
54414 7590 08/27/2009 MYERS BIGEL SIBLEY & SAJOVEC, P.A. P.O. BOX 37428 RALEIGH, NC 27627				
EXAMINER				
GAUTHIER, GERALD				
ART UNIT		PAPER NUMBER		
2614				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/571,509

Applicant(s)

SWERUP, JAN

Examiner

Gerald Gauthier

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-54 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 53 and 54 is/are allowed.
6) ☒ Claim(s) 29-52 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 10 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show labels on FIGs. 1, 3 and 4 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. **Claims 29-52** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuusinen et al. (US 7,483,400 B2) in view of Guyot et al. (US 7,231,205 B2).

Regarding **claim 29**, Kuusinen discloses a method for engaging a portable communication device in voice communication with a plurality of parties [column 1, lines 12-17 and FIG. 1], comprising:

establishing connections between the portable communication device and at least two other parties [The embodiment supports the management of VoIP conference calls and is implemented in an RTP based system which comprises a UMTS network 11, a conference call server 12 including an RTP mixer 15 connected to the network 11 and a plurality of terminals 13, column 6, lines 27-35];

detecting selection of a position of one of the other parties through input made by a user of the portable communication device [These SDES packets carry the SSRC identifier associated to the respective terminal 13 for this session and in addition in the SDES items field the SIP address or the phone number of the respective terminal 13, column 6, lines 45-56 the terminal participant detects a selection of the other parties];

positioning the other connected parties at different positions in space in relation to the portable communication device [Since all terminals 13 participating in the conference call always transmit RTP packets to the conference call server 12, either with voice data or with a background noise estimate, the CSRC list thus always comprises the SSRC identifiers for all participating terminals 13, column 7, lines 25-35]; and

when this connected party provides audio information over said connection so that the user of the device can identify which party is active [Based on the mapping information received earlier, the terminals 13 then determine the SIP addresses or the phone numbers corresponding to the SSRC identifiers retrieved from the CSRC list. The terminals 13 do not perform such a mapping for the SSRC identifier which is associated to the conference call server 12, column 7, lines 47-63].

Kuusinen fails to disclose providing information in relation to the position of one of the other connected parties.

However, Guyot teaches providing information in relation to the position of one of the other connected parties [If the end user wants to indicate his position on a map (and to obtain information about the other contacted parties), graphical information in the

Art Unit: 2614

form of a map may be selected, and contact is established with a positioning system, and a blinking spot may indicate the position of the respective end users, column 12, lines 23-31].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Kuusinen using the positioning system as taught by Guyot.

This modification of the invention enables the system to provide information in relation to the position of one of the other connected parties so that the respective customized avatars would be indicated on a map shown on the displays of all contacted and participating members.

Regarding **claims 30, 35 and 43**, Guyot teaches a method, wherein positioning the other connected parties at different positions in space comprises positioning the other connected parties at different positions in visual space [column 10, lines 46-58].

Regarding **claims 31 and 33**, Kuusinen discloses a method, wherein providing information comprises providing visual information on a screen [column 7, lines 47-63].

Regarding **claims 32, 34, 36-41 and 44-52**, Kuusinen discloses a method, wherein providing information comprises providing a representation that can be associated with said one of the other connected parties, when said one of the other

Art Unit: 2614

connected parties provides audio information over said connection [column 7, lines 25-35].

Regarding **claim 42**, the combination of Kuusinen and Guyot discloses all the limitations of claim 42 as stated in claim 29's rejection above.

Allowable Subject Matter

5. Claims 53 and 54 are allowed.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/
Primary Examiner, Art Unit 2614

/GG/
August 26, 2009